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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,008	04/22/1999	JERRELL P. HEIN	75622.P0001	1575

7590 01/29/2004  
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EXAMINER

TRAN, CON P

ART UNIT PAPER NUMBER

2644

DATE MAILED: 01/29/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/298,008

Applicant(s)

HEIN ET AL.

Examiner

Con P. Tran

Art Unit

2644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See attached responses by Examiner

Continuation of 10. Other:

***Response to Arguments***

1. Applicant's arguments of AMENDMENT UNDER 37 C.F.R. § 1.116 EXPEDITED PROCEDURE filed on December 29, 2002 regarding claims 1-23 have been fully considered but they are not persuasive.

2. Applicant asserts on pages 3 and 6:

"Applicant agrees that *sd* is provided to Defretin's CIBT. Applicant has consistently maintained, however, that Defretin's *sd* signal *is neither the sensed ring signal nor the sensed tip signal*. The Examiner apparently agrees (10/23/2003 Office Action, p. 14) which begs the question as to how the Examiner can take an opposite viewpoint for the purpose of rejecting the claims. . . .

Sense inputs 30, 32, 34, 36 identified by the Examiner clearly reside within Defretin's high tension integrated circuit CIHT (Defretin, Fig. 1). Moreover, these sensed signals are *clearly not* provided to the low tension integrated circuit CIBT. Instead, these signals are provided to Defretin's current measuring circuit 38 (residing within the high tension integrated circuit) which generates the signal *sd* for the low tension integrated circuit. (Defretin, col. 3, line 26 - col. 4, line 11). Applicant submits that there is no teaching or suggestion that either the sensed ring signal or the sensed tip signal provided to Defretin's low tension integrate circuit. Applicant need only show that Defretin fails to provide one of the sensed tip or sensed ring signals to the integrated circuit that provides the control signals. In fact, *sd* is neither the sensed tip signal nor the sensed ring signal, and thus Defretin fails to show providing either the sensed tip or sensed ring signal much less both of these signals to CIBT. . . ."

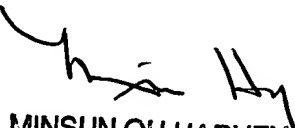
Examiner respectfully disagrees. Although sense inputs (30, 32, 34, 36) input to current measurement circuit (38) in which the result signal (*sd*) is sent to low tension

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integrated circuit, Defretin still meets the claim limitations since the invention claims are open-ended claims. These claims do not exclude the presence of the current measurement circuit (38) between the above sense inputs and low tension integrated circuit. In other words, measurement wires (30, 32, 34, 36) pick up (i.e., sense) signals at output stages (22, 24) of two conductors (10,12; i.e., tip, ring), bring the signals to current measurement circuit (38), then the signals become signal (sd) that is sent to low tension integrated circuit. Defretin thus discloses all the claimed limitations of independent claims 1, 4, and 13.

As such the claims remain rejected.

CPJ

  
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PRIMARY EXAMINER